

**(5) Selection****(A) Competitive basis**

In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

**(B) Priority**

In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

(iii) proposes a school-based mentoring program.

**(C) Other considerations**

In awarding grants under subparagraph (A), the Secretary shall also consider—

(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

(ii) the quality of the mentoring program proposed by each eligible entity, including—

(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

(iii) the capability of each eligible entity to effectively implement its mentoring program.

**(D) Grant to each State**

Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

**(6) Model screening guidelines****(A) In general**

Based on model screening guidelines developed by the Office of Juvenile Programs of

the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

**(B) Background checks**

The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

(Pub. L. 89-10, title IV, § 4130, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1758.)

**PRIOR PROVISIONS**

Prior sections 7141 to 7144 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 7141, Pub. L. 89-10, title IV, § 4131, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3689, defined terms. See section 7161 of this title.

Section 7142, Pub. L. 89-10, title IV, § 4132, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3689, related to materials. See section 7162 of this title.

Section 7143, Pub. L. 89-10, title IV, § 4133, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3690, set forth prohibited uses of funds. See section 7164 of this title.

Section 7144, Pub. L. 89-10, title IV, § 4134, as added Pub. L. 105-277, div. D, title I, § 122, Oct. 21, 1998, 112 Stat. 2681-756, related to quality rating of drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools.

**SUBPART 3—GUN POSSESSION****§ 7151. Gun-free requirements****(a) Short title**

This subpart may be cited as the “Gun-Free Schools Act”.

**(b) Requirements****(1) In general**

Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

**(2) Construction**

Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

**(3) Definition**

For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) of title 18.

**(c) Special rule**

The provisions of this section shall be construed in a manner consistent with the Individ-

uals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

**(d) Report to State**

Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any subchapter of this chapter shall provide to the State, in the application requesting such assistance—

- (1) an assurance that such local educational agency is in compliance with the State law required by subsection (b) of this section; and
- (2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b) of this section, including—
  - (A) the name of the school concerned;
  - (B) the number of students expelled from such school; and
  - (C) the type of firearms concerned.

**(e) Reporting**

Each State shall report the information described in subsection (d) of this section to the Secretary on an annual basis.

**(f) Definition**

For the purpose of subsection (d) of this section, the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

**(g) Exception**

Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

**(h) Policy regarding criminal justice system referral**

**(1) In general**

No funds shall be made available under any subchapter of this chapter to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

**(2) Definition**

For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18.

(Pub. L. 89–10, title IV, § 4141, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1762.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

SUBPART 4—GENERAL PROVISIONS

**§ 7161. Definitions**

In this part:

**(1) Controlled substance**

The term “controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in section 812(c) of title 21.

**(2) Drug**

The term “drug” includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

**(3) Drug and violence prevention**

The term “drug and violence prevention” means—

- (A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;
- (B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

**(4) Hate crime**

The term “hate crime” means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

**(5) Nonprofit**

The term “nonprofit”, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

**(6) Protective factor, buffer, or asset**

The terms “protective factor”, “buffer”, and “asset” mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

**(7) Risk factor**

The term “risk factor” means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

**(8) School-aged population**

The term “school-aged population” means the population aged five through 17, as deter-